

DRAWING ADMENDMENT:

A replacement sheet of drawings for figure 5 is attached hereto. In the replacement sheet of drawings, figure 5 was labeled as "PRIOR ART." This change to figure 5 was suggested on page 2 of the Official action, which included an objection to figure 5 because it should be labeled as "PRIOR ART." It is respectfully requested that replacement sheet of drawings for figure 5 be entered into the application. If there are any questions in connection with replacement sheet of drawings for figure 5, it is respectfully requested that the undersigned to telephone at the number listed at the end of this paper.

REMARKS:

In the foregoing amendments, claims 1, 4, 5, 9, 12, and 13 were amended to correct typographical, idiomatic, and translational errors. Claims 14-16 were added to the application. Claims 14 and 15 further define a screw and a nut, such as shown at 15 and 16 in figure 1. New claim 16 includes the limitations of previously presented claims 1, 4, and 6. After the foregoing amendments, claims 1-16 are pending in the application. Early consideration and allowance of these claims are respectfully requested for at least the following reasons.

In the outstanding Office action, claims 6 and 7 were not rejected over prior art. The Official action objected to these claims as containing allowable subject matter and stated that these claims would be allowable, if rewritten in independent form including all the limitations of the base claim and any intervening claims. In the foregoing amendments, claim 16 was added to the application and includes the limitations of previously presented claims 1, 4, and 6. In the original claims, claim 6 depended from claim 4, claim 4 depended from claim 2, and claim 2 depended from claim 1. Claim 2 was not included in new claim 16, because it is not believed that the limitations in claim 2, as well as those set forth in claim 3 from which claim 7 indirectly depends, are necessary for the patentability of claim 6 and 7. For these reasons, a formal allowance of claim 16 is respectfully requested.

Claims 1-5 and 8-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 6,076,848 of Rigal *et al.* (Rigal). This rejection is set forth on pages 2 and 3 of the Official action. Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rigal in view of U.S. patent publication No. 2002/0101062 A1 of Andrevon. This rejection is set forth on pages 3 and 4 of the Official action. Applicant respectfully submits that the inventions set forth in claims 1-5 and 8-16 are patently distinguishable from the teachings of Rigal alone or combined with the teachings of Andrevon within the meaning of 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) for at least the following reasons.

The top of page 2 of the Official action stated that Rigal proposes a boot fixing band including a belt portion and a pad portion, i.e., strap (Fig. 1, item 3). Next, the Official action stated that the hardness adjusting plate corresponds to support element 5 in Fig. 1 of Rigal. However, the strap 3 of Rigal comprises a support element 5 and a padding element 6. It appears that the Official action is attempting to equate the support element 5 of Rigal to both applicant's belt portion of the boot fixing band and the hardness adjusting plate mounted thereon. Applicant's claims 1 and 16 define that the boot fixing band includes a belt portion and a pad portion. Applicant's claims 1 and 16 further define a hardness adjusting plate mounted on the boot fixing band. Thus, applicant's claims 1 and 16 define at least three structures, a belt

portion, a pad portion, and a hardness adjusting plate. The teachings of Rigal do not disclose or suggest these three separate structures.

Applicant's claim 9 defines, *inter alia*, a boot fixing band and a hardness adjusting plate. As described in applicant's specification, the boot fixing band can include a belt portion and a pad portion. Thus, in applicant's claim 9, the hardness adjusting plate and the boot fixing band are separate structures, which are secured to other structures of the binding differently. Applicant respectfully submits that the structures and arrangements for the hardness adjusting plate and the boot fixing band in present claim 9 cannot be contemplated or suggested by the single structure of the support element 5 proposed in Rigal.

For the foregoing reasons, applicant respectfully submits that the teachings of Rigal cannot disclose or suggest the inventions defined in claims 1, 9 and 16, within the meaning of 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejections of applicant's claims over the teachings of Rigal.

Furthermore, applicant's claims 1 and 16 define that the boot fixing band mounts on one side of the base plate with one end thereof, the hardness adjusting plate is mounted on the boot fixing band, a buckle is connected to the hardness adjusting plate on another end of the boot fixing band, and a belt having one end mounted on another side of the base plate and another end

engaged with the buckle. Thus, among other things, applicant's claims 1 and 16 define that the hardness adjusting plate extends between an end of the boot fixing band and the other side of the base plate. The teachings of Rigal do not contemplate or suggest this structure.

Present claim 9 defines, *inter alia*, a boot fixing band, a hardness adjusting plate fixed on the boot fixing band, a belt interposed between one end of the hardness adjusting plate and one side of the base plate, one end of the boot fixing band being free from the belt, a buckle connected to the hardness adjusting plate on another end of the boot fixing band, and another belt having one end mounted on another side of the base plate and another end engaged with the buckle. The teachings of Rigal do not contemplate or suggest this structure.

As acknowledged in the Official action, the teachings of Rigal do not contemplate or suggest that the hardness adjusting plate includes a cut-away groove in a central portion thereof so as to extend in a longitudinal direction thereof, and an auxiliary elastic plate is removably mounted in the cut-away groove, as required in claim 6, 7, and 16. Therefore, an allowance of these claims is respectfully requested.

New claims 14 and 15 require a screw and a nut, where the screw penetrates both the pad portion and the hardness adjusting plate. The teachings of Rigal do not disclose or suggest this structure. For example, Fig. 7

of Rigal shows that the pad portion of the strap 3 is not secured by a screw and a nut, as required in claims 14 and 15. Accordingly, applicant respectfully submits that these claims are patently distinguishable from the teachings of Rigal.

The teachings of Andrevon were cited as suggesting a shock absorbing pad where the inner and outer portions are composed of differing materials to provide a hardness difference from the interior of the binding to the exterior of the binding. This structure is different from that set forth in present claims 12 and 13, which define that the hardness adjusting plate, which is mounted on the boot fixing band, is selected from a plurality of hardness adjusting plates that are different from each other in hardness. In other words, applicant's claims 12 and 13 define that a plurality of hardness adjusting plates are included in the binding, so that a user can select an appropriate hardness adjusting plate for her use. The teachings of Andrevon do not contemplate or suggest this structure or arrangement. Therefore, applicant respectfully submits that the inventions defined in claims 12 and 13 are patently distinguishable from the combined teachings of Rigal and Andrevon.

In addition, the teachings of Andrevon do not cure or rectify the aforesaid deficiencies in the teachings of Rigal. For this reason, applicant respectfully submits that the combined teachings of Rigal and Andrevon do not

contemplate or suggest the inventions set forth in present claims 12 and 13.

Therefore, an allowance of these claims is earnestly solicited.

For the foregoing reasons, applicant respectfully submits that the inventions set forth in claims 1-16 are patently distinguishable from the teachings of Rigal alone or combined with Andrevon. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejections of these claims, and formally allow claims 1-16.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,  
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